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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,062	07/14/2003	Matthew D. Moller	09237.0010-02	7689

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EXAMINER
POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/620,062	MOLLER ET AL.
Office Action Summary	Examiner	Art Unit
	Melvin H. Pollack	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 July 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>16-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>16-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>14 July 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/14, 6/10, 6/7 2005</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☒ Other: *see attached office action*.

DETAILED ACTION

Priority

1.   It is noted that this application appears to claim subject matter disclosed in prior

Application No. 09/401318, filed 23 September 1999. A reference to the prior application must

be inserted as the first sentence(s) of the specification of this application or in an application data

sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under

35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C.

120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or

continuation-in-part) of all nonprovisional applications. If the application is a utility or plant

application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to

the prior application must be submitted during the pendency of the application and within the

later of four months from the actual filing date of the application or sixteen months from the

filing date of the prior application. If the application is a utility or plant application which

entered the national stage from an international application filed on or after November 29, 2000,

after compliance with 35 U.S.C. 371, the specific reference must be submitted during the

pendency of the application and within the later of four months from the date on which the

national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date

of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not

extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where

applicable, within this time period is considered a waiver of any benefit of such prior

application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the

required time period may be accepted if it is accompanied by a grantable petition to accept an

unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition

must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR

1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under

37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due

under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The

Director may require additional information where there is a question whether the delay was

unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for

Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

2.   If the reference to the prior application was previously submitted within the time period

set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application

data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath

or declaration or the application transmittal letter), and the information concerning the benefit

claim was recognized by the Office as shown by its inclusion on the first filing receipt, the

petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required.

Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an

amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 16-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Killcommons et

al. (6,424,996).

5.   For claims 16 and 17, Killcommons teaches a method (abstract; col. 1, line 1 – col. 5, line

65) and system (col. 4, lines 54-58) for a user station (Fig. 1, #50) to send and receive

multimedia data (col. 6, lines 39-44) to and from (col. 7, lines 5-10) a server (Fig. 1, #20) on a

network (col. 7, line 50 – col. 8, line 8), the multimedia data being stored on the server and

accessible (col. 7, lines 50-65) by at least one other user (Fig. 1, #80), the method comprising:

a.   Receiving a command from a user at the user station (col. 12, lines 10-25);

b.   Responding to the received command by encapsulating multimedia data from the

user station into a broadcast data unit retaining descriptive characteristics of the

multimedia data (col. 12, lines 25-35 in view of col. 8, lines 10-35 and col. 10, lines 15-

40) and transmitting the broadcast data unit to the server (col. 12, lines 30-40);

c.   Receiving a data available message from the server (col. 15, line 65 – col. 16, line

5);

d.   Responding to receipt of the data available message from the server to transmit a

notification to the user station (col. 15, lines 45-50);

e.   Responding to a command from the user at the user station (Fig. 3, #65) to request

download of a broadcast data unit from the server (col. 12, lines 60-65); and

f.   Receiving the broadcast data unit from the server and multimedia data from the

received broadcast data unit for access by the user at the user station (col. 15, line 30 –

col. 16, line 15 and col. 17, lines 15-35).

6.   For claims 18 and 20, Killcommons teaches a method (abstract) and system (col. 4, lines
54-58) for processing multimedia data (col. 1, line 1 – col. 5, line 65) from a user station (Fig. 1,
#50) by a server (Fig. 1, #20) on a network (col. 7, line 50 – col. 8, line 8), the multimedia data
being accessible (col. 7, lines 50-65) to at least one other user station (Fig. 1, #80), the method
comprising:

      a.   Receiving a broadcast data unit from the user station (col. 12, lines 10-25), the

broadcast data unit encapsulating multimedia data (col. 12, lines 25-33);

      b.   Storing the broadcast data unit (col. 12, lines 33-40);

      c.   Sending a data available message to the at least one other user station regarding

the stored broadcast data unit (col. 15, line 65 – col. 16, line 5);

      d.   Responding to a download request from the at least one other user station for the

stored broadcast data unit based on the data available message (col. 17, lines 15-25 in

view of col. 12, lines 60-65); and

      e.   Transmitting the stored broadcast data to the at least one other user station in

response to the download request (Figs. 3 and 4).

7.   For claim 19, Killcommons teaches that the storing of the broadcast data unit includes
storing the broadcast data unit for later access by the at least one other user (col. 17, lines 15-25).

8.   For claim 21, Killcommons teaches a method (abstract) for project collaboration (col. 1,
line 1 – col. 5, line 65 and col. 17, lines 15-25) between a first user (Fig. 1, #50) and a second
user (Fig. 1, #80) over a network (col. 7, line 50 – col. 8, line 8) via a server (Fig. 1, #20), the
project including at least one multimedia element (col. 6, lines 39-44), the method comprising:

    a.   Accessing the multimedia element from the server by the first user (col. 12, line 60 – col. 13, line 5);

    b.   Modifying the accessed multimedia element by the first user (Fig. 4 in view of col. 13, line 5 – col. 14, line 65, esp. col. 13, lines 5-30;

    c.   Sending the modified multimedia element to the server by the first user (col. 14, line 55 – col. 15, line 5); and

    d.   Broadcasting a message to the second user by the server that the multimedia element has been modified (col. 15, line 30 – col. 16, line 15).

9.   For claim 22, Killcommons teaches requesting download of the modified multimedia element from the server by the second user based on the broadcasted message, and sending the modified multimedia element to the second user by the server in response to the download request from the second user (col. 12, line 60 – col. 13, line 5; col. 14, lines 55-65).

10.   For claim 23, Killcommons teaches accessing the multimedia element includes accessing a version of the multimedia element (col. 14, lines 5-15 and 45-65).

11.   For claim 24, Killcommons teaches that accessing a version of the multimedia element includes accessing a compressed version of the multimedia element (col. 12, lines 25-35).

12.   For claim 25, Killcommons teaches a method (abstract) for project collaboration (col. 1, line 1 – col. 5, line 65 and col. 17, lines 15-25) between a first user (Fig. 1, #50) and a second user (Fig. 1, #80) over a network (col. 7, line 50 – col. 8, line 8) via a server (Fig. 1, #20), the project including multimedia data (col. 6, lines 39-44), the method comprising:

    a.   Creating a multimedia data element for the project by the first user (col. 15, lines 1-30);

b.   Sending to the server the created multimedia element by the first user (col. 14, lines 64-67);

c.   Broadcasting a message to the second user of the created multimedia element for the project by the server (col. 15, line 30 – col. 16, line 15);

d.   Responding to the broadcasted message by the second user to request a download of the created multimedia element for the project (col. 17, lines 20-25); and

e.   Sending the created multimedia element to the second user in response to the download request (col. 12, lines 40-60).

13.   For claim 26, Killcommons teaches storing the created multimedia element by the server for later access by the second user (col. 17, lines 15-25).

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They regard further applicable teachings regarding the storage and manipulation of data for sharing with multiple users. Special emphasis has been placed on collaborative tools, version control, and encoding of multimedia data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP
03 May 2006

Melvin H. Pollack
AV 2145